

ORDER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

FS 1420.1

11/18/98

**SUBJ: SEXUAL HARASSMENT/MISCONDUCT OF A SEXUAL NATURE:
FLIGHT STANDARDS SERVICE REPORTING PROCEDURES**

1. **PURPOSE.** In accordance with the policy described in agency Order 1110.125, Accountability Board, any complaint of sexual harassment or misconduct of a sexual nature must be reported to the Board Coordinator within 2 workdays of receipt of the allegation. This order establishes Flight Standards Service reporting procedures to ensure complete communication throughout the organization.
2. **DISTRIBUTION.** This order is distributed to all Flight Standards managers and supervisors in Washington headquarters, the regions, and the field facilities.
3. **BACKGROUND.** Within the Flight Standards Service Washington headquarters organizations, including those located remotely from the headquarters, the Director and/or Deputy Director are the Accountable Officials. In the regions, the Flight Standards Division Managers are the Accountable Officials. Accountable Officials are responsible for reporting to the Board Coordinator. The Board Coordinator then reports to the Board (consisting of the Assistant and Associate Administrators). Our Associate Administrator, AVR-1, provides information to the headquarters Accountable Official (the Director/Deputy Director).
4. **REPORTING PROCEDURES.**
 - a. All Flight Standards managers and supervisors will report up the chain of command to the appropriate Accountable Official.
 - b. Regional Flight Standards Division Managers, as Accountable Officials, shall **SIMULTANEOUSLY** report by telephone to the agency Board Coordinator at (202) 493-4103, and the Director/Deputy Director, Flight Standards Service, at (202) 267-8237.
 - c. In the absence of the Director and Deputy Director, call the Manager, Resource and Quality Management Division, AFS-100, at (202) 267-8441.
5. **REPORTING REQUIREMENTS.** ALL allegations must be reported, including those reported by third parties (a witness) or by an employee who reports but requests no further action be taken. It is critical that allegations are reported immediately to the Board Coordinator in order to meet the 2-workday reporting requirement. This initial reporting is verbal and is to provide the data that is available at the time.

6. **INQUIRY/INVESTIGATION PROCEDURES**. The next step is to begin the inquiry/investigation. The Accountable Official or the designated supervisor/manager will (1) conduct an initial interview with the complaining party to determine the nature of the conduct leading to the allegation; (2) identify the parties involved; (3) ensure the complaining party is advised of avenues of redress; and (4) where practicable, notify respondent of the allegation. The respondent must be advised to minimize contact with the complaining party. Timeframes for reporting WILL NOT BE EXTENDED. The 2-workday reporting requirement to the Accountability Board will not take 2 days off the investigation/closure period. From this point on, CONSULTATION WITH THE HUMAN RESOURCE MANAGEMENT ORGANIZATION IS REQUIRED. (See Order 1110.125, Appendix 5, Notifying the Respondent, and Appendix 6, Notice to Respondent.)

7. **PROCESS FOR DISPOSITION**. The remaining processes - addressing the complaint internally or referring for formal investigation, disposition of the complaint, feedback - are discussed here:

a. **Addressing the Complaint Internally**. The Accountable Official may elect to address the matter internally without requesting a formal investigation, based on input from the supervisor/manager who performed the initial interview, the seriousness and sensitivity of the allegation, the complexity of the case, and the likelihood of being able to determine the relevant facts in a short period of time.

(1) If this course of action is taken, the Accountable Official has 10 workdays to develop the facts, determine what (if any) action is appropriate, and initiate the action.

(2) All or part of the responsibility for conducting the inquiry may be delegated to the appropriate supervisor/manager who will consult with the designated Human Resource (HR) Specialist.

(3) Once the facts are sufficiently known to make a determination as to what (if any) action is appropriate, the supervisor/manager who conducted the inquiry may initiate action after consultation with the appropriate Accountable Official and designated HR Specialist. The Accountable Official shall notify the Board Coordinator within 2 workdays AFTER taking the action.

(4) The HR Specialist shall provide assistance to the supervisor/manager in preparing any correspondence related to the action.

(5) If at any time during the investigation the appropriate Accountable Official finds that internal resolution is not appropriate and that a formal investigation is required, the allegation must be referred to the Board Coordinator for a security investigation.

b. **Referral to the Board Coordinator for Formal Investigation**. If the complaint is referred for a formal investigation, that investigation will be conducted by a special agent from the Office of Civil Aviation Security Operations. The security investigator will complete the

investigation and provide the Board with a Report of Investigation (ROI). The Board will provide the ROI to the appropriate Accountable Official who will, in turn, forward to the designated supervisor/manager.

(1) Once the ROI is received, the manager/supervisor has 10 workdays to review and, if appropriate, initiate action after consultation with the appropriate Accountable Official and designated HR Specialist.

(2) The manager/supervisor may take the appropriate action and the Accountable Official must report that action to the Board Coordinator within 2 workdays AFTER taking the action.

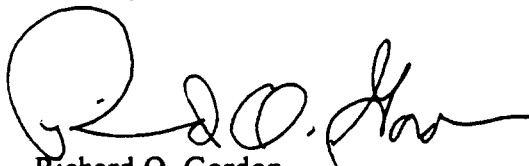
(3) The HR Specialist shall provide assistance to the manager/supervisor in preparing any correspondence related to the action.

c. Exceptions/Disagreements. If the Accountable Official and the HR Specialist disagree as to what action is appropriate (regarding cases that are particularly sensitive, could have agencywide implications, and have the potential for a high degree of visibility), the Board Coordinator and AFS-1/2 shall be consulted before action is initiated.

d. Providing Feedback. The manager/supervisor must consult the HR Specialist prior to giving any feedback to either the complainant or respondent. He/she must be cautious that the feedback provided is consistent with Privacy Act and any other applicable laws, regulations, or negotiated agreements. Feedback must concern only the procedural aspects of processing the case (i.e., the status) rather than the information about the merits of the case.

8. ALLEGATIONS REPORTED TO OTHER THAN SUPERVISORY OFFICIAL. If an allegation is made to a source other than a supervisory official (e.g., EEO Counselor, Administrator's Hotline, Civil Rights, Security, or directly to the Board Coordinator), that source must report the allegation to the Board Coordinator within 2 workdays. The Board will determine whether to refer the allegation to the appropriate Accountable Official for handling or to the Office of Civil Aviation Security Operations for an official investigation. In either instance, the Board Coordinator will notify the appropriate Accountable Official as soon as possible after receipt of the allegation.

9. ADDITIONAL INFORMATION. The provisions of Order 1110.125 prevail in all matters of sexual harassment/misconduct of a sexual nature. This order further requires that all regional Flight Standards Division Managers keep the Director/Deputy Director, AFS-1/2, advised of ALL sexual harassment/misconduct issues from origin to resolution. It is imperative that Flight Standards Service officials be consistent in the application of Order 1110.125.



Richard O. Gordon
Acting Director, Flight Standards Service

